

### Remarks

This is in response to the Office Action dated July 8, 2008.

Claims 2-4, 6-8, 16-17 and 24 stand rejected under 35 U.S.C. 102(b) as being anticipated by Hanson (US5919174); and the remaining claims stand rejected under 35 U.S.C. 103(a) as being obvious over Hanson, either singly [claim 18] or in combination with Decloux (US5320328) [claim 9] or Steigerwald (US3828982) [claims 10-11].

Claim 24 has been amended to clarify that the second bore extends to an outlet so that the aperture that connects the first bore to the second bore, when not blocked by the sealing surface of the valve member, establishes a through passage between the first bore, the second bore and the outlet. Thus, even though the valve member of the instant invention is slidable in alignment with the first bore, it poses no impairment to the aperture that connects the first and second bores when it is positioned “on a side of the aperture remote from the said first bore”. In other words, the valve member does not obstruct or block the fluid flow in the through passage when it is moved to its open position.

In contrast, the Hanson plunger valve element 45 is slidable along a passage in the stem member 25 that intersects a valve lumen 51 and extends into a well 53. In operation, when the actuator cap 15 is pressed down, per the direction indicated by directional arrow D in Figures 2 and 3, the stem end 48 is moved into the well 53 so that the channel 47 (or the reduced diameter) of the plunger valve element 45 is brought into registration with lumen 51 to allow suction flow (column 4, lines 22-37). Thus, the channel 47 of the plunger element 45 presents an obstruction of the valve lumen 51, unlike the instant invention valve which does not obstruct the fluid path established by the first and second bores.

As noted above, that there is no obstruction along the fluid path for the claimed invention is due to the sealing surface of the valve member being on a side of an aperture remote from the first bore (to allow unobstructed flow), as recited in claim 24. The sealing

surface of the valve member is positioned on an opposite side of the aperture to block flow from the catheter. This has an appreciable advantage in that there is no obstruction or restriction to fluid flow. By contrast, in the open state of Hanson's valve, as channel 47 is the diameter reduced portion of the plunger stem 45 and it is placed in the path of lumen 51, fluid is constrained to flow through the channel 47 in the valve element itself. Thus, solid or semi-solid material may be collected in the region of the channel 47 and be trapped when the valve element is released to close, and thereby prevent complete closing.

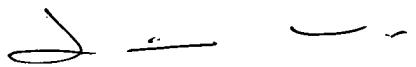
Claim 24 also recites a rotatable locking member that has an outer surface formation that allows the valve member to freely slide when it is out of alignment with a part of the valve member, and hinders the movement of the valve member when it is in alignment with the part of the valve member. The "surface formation (projection) 57" in Hanson asserted by the examiner are rails that are provided at the internal surface 55 of cap 15 and which together with accommodate slots 59, enable the plunge element 45 to move along the direction indicated by D (column 4, lines 38-40).

Decloux (US5320328) describes a very different form of valve from that of the present invention. In particular it lacks the rotatable locking member required by Claim 24. Also, the valve member of Decloux is not slidable in alignment with the bore communicating with the suction catheter in the manner required by the amended claim.

Steigerwald (US3828982) does show an arrangement for preventing inadvertent actuation but differs from the present invention in that it relates to an aerosol dispenser; not a suction catheter. Furthermore, the manner in which actuation is prevented is very different. Steigerwald employs a slide that is pushed in along its length and is held in to enable actuation. There is nothing to suggest a rotatable locking member of the kind required by Claim 24 of the present application.

In view of the foregoing, it is submitted that Claim 24 and the claims dependent therefrom are not anticipated by Hanson, and those dependent claims rejected by the combinations of Hanson with the other cited prior art documents are not obvious over such combinations.

Respectfully submitted,



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